

## **Bylaws of the Oregon Cannabis Commission**

### **Article I—Name**

The name is the Oregon Cannabis Commission (OCC)

### **Article II—Authority, Role and Responsibilities of the OCC**

#### **(1) Creation of the Oregon Cannabis Commission**

The OCC is established within the Oregon Health Authority (OHA) pursuant to ORS 475B.952 to ORS 475B.961.

#### **(2) Role and Responsibilities of the OCC**

The OCC shall:

- Provide advice to OHA with respect to the administration of ORS 475B.785 to 475B.949;
- Provide advice to the Oregon Liquor Control Commission (OLCC) with respect to the administration of ORS 475B.010 to 475B.545, insofar as those statutes pertain to registry identification cardholders (patients) and designated primary caregivers, as those terms are defined in ORS 475B.791;
- Develop a long-term strategic plan for ensuring that cannabis will remain a therapeutic option for persons with debilitating medical conditions as defined in ORS 475B.791;
- Develop a long-term strategic plan for ensuring that cannabis will remain affordable for persons with debilitating medical conditions as defined in ORS 475B.791; and
- Monitor and study federal laws, regulations and policies regarding marijuana.

In addition the OCC shall determine:

- A possible framework for the future governance of the Oregon Medical Marijuana Program (OMMP), including:
  - Proper oversight and regulation of each of the following:
    - Patients and designated primary caregivers, as those terms are defined in ORS 475B.791;
    - Attending physicians, as defined in ORS 475B.791;
    - Marijuana grow sites, as defined in ORS 475B.791;
    - Marijuana processing sites, as defined in ORS 475B.791; and
    - Medical marijuana dispensaries, as defined in ORS 475B.791;
  - Necessary amendments to the laws of Oregon pertaining to cannabis, including any necessary amendments to ORS 475B.010 to 475B.545 and 475B.785 to 475B.949; and

- The future role of the OCC with respect to the possible framework.
- Steps that the state must take, whether administrative or legislative in nature, to ensure that research on cannabis and cannabis-derived products is being conducted for public purposes, including the advancement of:
  - Public health policy and public safety policy;
  - Agronomic and horticultural best practices; and
  - Medical and pharmacopoeia best practices.

In determining the possible framework for the future governance of the OMMP as set out above the OCC shall consider:

- Potential factors that could prevent access to cannabis for medical use;
- Potential laws and rules that will facilitate access to cannabis for medical use; and
- The impact of federal laws, state laws, regulations and policies on the possible framework.
- Current science and research and reports.

## **Article III—Members**

### **(1) Composition of the OCC**

The OCC consists of nine (9) members including the State Public Health Officer or the Public Health Officer’s designee and eight members appointed by the Governor and confirmed by the senate, from the categories listed in ORS 475B.952.

### **(2) Terms of Office**

The term of office of each member appointed by the Governor is four years. Before the expiration of the term of a member, the Governor will appoint a successor whose term begins on January 1 of the following year. A member is eligible for reappointment.

“Full term” means a period of four years. Terms of office fewer than four years shall not be considered “full terms.”

If there is a vacancy for any cause other than expiration of the term of office, the Governor will make an appointment to become effective immediately for the unexpired term.

The appointment of each member of the commission is subject to confirmation by the Senate in the manner prescribed on ORS 171.562 and 171.565.

### **(3) Removal of Members**

The Governor may remove any member of the board at any time, the members serve at the pleasure of the Governor.

**(4) Duties and responsibilities of a member:**

- a) In the course of conducting OCC business, a member is expected to work in furtherance of the stated role and responsibilities of the commission rather than the interest of any profession, institution, or individual.
- b) A member must notify the Chair and the OMMP section manager if contacted by a member of the media concerning OCC business. A member is expected to defer to the Chair as the official spokesperson of the OCC for media contacts. A member may voice their perspective to the media but only if it is specifically noted to be in their official capacity rather than an OCC position.

**Article IV—Officers and their duties**

The officers of the OCC will be a chairperson and a vice chairperson.

**(1) Selection of Officers**

Each officer will be elected by a majority vote of the OCC for a one year term or until a successor is elected. A term of office begins at the close of the meeting at which elected. A vacancy, which occurs before the expiration of a term of office, can be filled by a majority vote at any regular meeting of the OCC.

**(2) Duties and responsibilities of the chairperson:**

- a) The Chair has all rights, duties, and responsibilities of a regular OCC member, including the right to introduce motions and proposals, as well as to speak and vote on issues before the OCC while presiding.
- b) The Chair will work closely with the Oregon Medical Marijuana Program section manager and other OHA staff on administrative matters of the OCC.
- c) The Chair will preside over OCC meetings, with the assistance of the OMMP section manager and other OHA staff. In case of a scheduled absence of both the Chair and Vice-chair, the Chair will select another member to preside over that upcoming meeting.

**(3) Duties and responsibilities of the vice chairperson:**

- a) The Vice-Chair has all the rights, duties and responsibilities of a regular OCC member, including the right to introduce motions and proposals, as well as to speak and vote on issues before the board.

- b) The Vice-Chair will act for the Chair in the Chair's absence.
- c) The Vice-Chair will assist the Chair in performing OCC duties as delegated by the Chair.

## **Article VI—Meetings and Public Records**

### **(1) Frequency of meetings**

The OCC will hold at least four regular public meetings per year.

### **(2) Public meeting law**

The Oregon Public Meetings Law ORS 192.610-192.690 applies to meetings of the OCC.

### **(3) Public records law**

The Oregon Public Records Law ORS 192.311 to 192.478 applies to public records created or maintained by the OCC.

### **(4) Quorum**

Five (5) OCC members constitute a quorum.

### **(5) Voting**

- a) All official actions by governing bodies must be taken by public vote.
- b) The vote of each member must be recorded ORS 192.650(1)(c).
- c) Written ballots are not prohibited, but each ballot must identify the member voting and the vote must be announced.
- d) Secret ballots are prohibited.
- e) Proxy voting is not authorized.

### **(6) Special meetings**

Special meetings may be scheduled as needed through a discussion between the Chair and Vice Chair. The Chair or Vice Chair will schedule through OHA staff. All OCC members shall be notified in writing not less than forty-eight hours in advance of the special meeting. Such notification shall include time, place and purpose of the special meeting. All public meeting laws will apply to special meetings.

## **Article VII—Committees**

### **(1) Types of Committees**

The OCC may appoint subcommittees and advisory groups as needed to assist the OCC. Technical advisory groups can include professionals with specialty knowledge and experience as necessary to assist the OCC.

Subcommittee meetings must comply with the Public Meetings Law.

## **(2) Selection of Committees**

- a) The creation of subcommittees and advisory groups requires approval of the OCC.
- b) Appointments to subcommittees and advisory groups may be nominated by any member and requires approval of the OCC.

## **Article VIII —Adoption and Amendment of Bylaws**

These bylaws will become effective upon approval of the OCC at a duly convened meeting. Members must be given notice of such a vote prior to the meeting.

These bylaws may be amended by a two-thirds vote of the OCC. An amendment is in order only if it has been included in the written agenda provided to OCC members prior to the meeting.

## **Article IX—Travel and Subsistence**

Members of the OCC may claim reimbursement for actual and necessary travel expenses incurred in the performance of their official duties, including the attendance at OCC meetings. Such reimbursement will be subject to policies and guidelines adopted by the OHA. Reimbursement amounts will use state of Oregon per diem meal and lodging allowances and follow state travel expense rules. Expense claims will be paid, subject to availability, from OMMP general or other funds.

Only OCC members participating in a Subcommittee meeting may submit travel expenses for reimbursement by the OMMP when:

1. The specified subcommittee meeting has an agenda, list of attendees, and has been approved by the Chair of the OCC and submitted to the OMMP.
2. The subcommittee is meeting for business purposes only, travel expensed reimbursement is not intended for subcommittee meetings that include public education or public advocacy sessions.
3. Each subcommittee is allowed only four meetings per year that may qualify for travel expense reimbursement.

## **Article X – Ethical Conduct, Conflict of Interest**

While acting as members of the OCC, members will adhere to the highest standards of ethical conduct and will be responsible for understanding and acting in accord with the provisions of ORS chapter 244, including the code of ethics.

Adopted: January 30, 2017